

Introduced by Senator Padilla

February 18, 2011

An act to amend Section 20098 of, and to add Section 20098.5 to, the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 778, as introduced, Padilla. Public employees' retirement: executive retirement.

Existing law requires the Board of Administration of the Public Employees' Retirement System to appoint and fix the compensation of certain employees of the system whose positions are designated as managerial, notwithstanding specified authority granted to the Department of Personnel Administration. Existing law requires that when one of these positions is filled through a general civil service appointment, it be filled from an eligible list based on an examination that was held on an open basis, as specified.

This bill would recodify the latter provision relating to the filling of these positions through general civil service appointments.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 20098 of the Government Code is
- 2 amended to read:
- 3 20098. (a) The board shall appoint and, notwithstanding
- 4 Sections 19816, 19825, 19826, 19829, and 19832 shall fix the
- 5 compensation of an executive officer, a general counsel, a chief
- 6 actuary, a chief investment officer, and other investment officers

1 and portfolio managers whose positions are designated managerial
2 pursuant to Section 18801.1.

3 (b) The executive officer, deputy executive officers, and the
4 assistant executive officers may administer oaths.

5 (c) When fixing the compensation for the positions specified in
6 subdivision (a), the board shall be guided by the principles
7 contained in Sections 19826 and 19829, consistent with its
8 fiduciary responsibility to its members to recruit and retain highly
9 qualified and effective employees for these positions.

10 ~~(d) When a position specified in subdivision (a) is filled through~~
11 ~~a general civil service appointment, it shall be filled from an~~
12 ~~eligible list based on an examination that was held on an open~~
13 ~~basis, and tenure in the position shall be subject to the provisions~~
14 ~~of Article 2 (commencing with Section 19590) of Chapter 7 of~~
15 ~~Part 2 of Division 5 of Title 2. In addition to the causes for action~~
16 ~~specified in that article, the board may take action under the article~~
17 ~~for causes related to its fiduciary responsibility to its members,~~
18 ~~including the employee's failure to meet specified performance~~
19 ~~objectives.~~

20 (e)

21 (d) An individual who held a position designated in subdivision
22 (a), or was a member of the board, a deputy executive officer, or
23 an assistant executive officer, shall not, for a period of two years
24 after leaving that position, for compensation, act as agent or
25 attorney for, or otherwise represent, any other person, except the
26 state, by making any formal or informal appearance before, or any
27 oral or written communication to, the Public Employees'
28 Retirement System, or any officer or employee thereof, if the
29 appearance or communication is made for the purpose of
30 influencing administrative or legislative action or any action or
31 proceeding involving the issuance, amendment, awarding, or
32 revocation of a permit, license, grant, contract, or sale or purchase
33 of goods or property.

34 SEC. 2. Section 20098.5 is added to the Government Code, to
35 read:

36 20098.5. When a position specified in subdivision (a) of Section
37 20098 is filled through a general civil service appointment, it shall
38 be filled from an eligible list based on an examination that was
39 held on an open basis, and tenure in the position shall be subject
40 to the provisions of Article 2 (commencing with Section 19590)

1 of Chapter 7 of Part 2 of Division 5 of Title 2. In addition to the
2 causes for action specified in that article, the board may take action
3 under the article for causes related to its fiduciary responsibility
4 to its members, including the employee's failure to meet specified
5 performance objectives.

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